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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-713

13 **ALLESIA MAGELLAN GILLESPIE**

A C C U S A T I O N

14 **18035 Wisconsin Street**
Detroit, Michigan 48221

15 **Registered Nurse License No. 613411**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about February 7, 2003, the Board issued Registered Nurse License Number
23 613411 to Allesia Magellan Gillespie ("Respondent"). The Registered Nurse License expired on
24 June 30, 2012 and has not been renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code (all section references will be to
27 the Business and Professions Code unless otherwise noted) provides, in pertinent part, that the
28

1 Board may discipline any licensee, including a licensee holding a temporary or an inactive
2 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
3 Practice Act.

4 4. Section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the
7 Board may renew an expired license at any time within eight years after the expiration.

8 5. Section 118 subdivision (b) grants the Board jurisdiction over suspended, expired,
9 forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by
12 order of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground."

15 STATUTES

16 6. In pertinent part, section 2761 authorizes the Board to discipline registered nurses for
17 misconduct in another state:

18 "The board may take disciplinary action against a certified or licensed
19 nurse or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the
21 following:

22 ...

23 (4) Denial of licensure, revocation, suspension, restriction, or any other
24 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

25 COST RECOVERY

26 7. Section 125.3 authorizes the Board to request the administrative law judge to direct a
27 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
28

1 to exceed the reasonable costs of the investigation and enforcement of the case and it also
2 authorizes the Board to recover those costs in any settlement agreement.

3 **CAUSE FOR DISCIPLINE**

4 **(Disciplinary Actions by the Michigan Board of Nursing)**

5 8. Respondent is subject to discipline under section 2761, subdivision (a)(4) for
6 unprofessional conduct because he was disciplined by the Michigan Board of Nursing as follows:

7 9. On or about June 15, 2010, the Michigan Board issued an Order of Summary
8 Suspension summarily suspending Respondent's registered nursing license and practical nursing
9 license in a disciplinary action entitled *In the Matter of Allesia Gillespie, R.N., L.P.N. License*
10 *Numbers: 47-04-209289, 47-03-078785*. The suspension order required Respondent to refrain
11 from practicing as either a registered nurse or a licensed practical nurse.

12 10. The basis for the summary suspension were the following allegations: (a) Respondent
13 had been suspended from his job at Detroit Medical Center in February 2010 for failing to
14 administer medications he had withdrawn from a dispensing machine to patients and for failing to
15 obtain physician orders for medications he withdrew; (b) an assessment by the state's health
16 professional recovery program showed that Respondent had a chemical dependency problem and
17 recommended treatment for opiate abuse; and (c) Respondent failed to enroll in the recommended
18 treatment program.

19 11. On or about August 25, 2010, Respondent enrolled in the Michigan Health
20 Professionals Recovery Program, a treatment program for chemical dependency.

21 12. On or about October 22, 2010, an administrative law judge dissolved the summary
22 suspension.

23 13. On or about March 2, 2011, the Michigan Board entered into a consent order and
24 stipulation with Respondent in which Respondent agreed to have his license placed on one year's
25 probation while he participated in the treatment program.

26 14. On or about July 7, 2012, the Michigan Board suspended Respondent's nursing
27 licenses because he had continued to practice at Select Specialty Hospital from June 16, 2010 to
28 October 22, 2010 during the time his license was summarily suspended.

15. Under Section 2761, subdivision (a)(4), the Michigan Board's disciplinary actions against Respondent in June 2010 and July 2012 are each grounds for the California Board to take its own disciplinary action.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 613411, issued to Allesia Magellan Gillespie;

2. Ordering Allesia Magellan Gillespie to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: March 5 2013

for LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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